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**SEP 27 2005**

In re Application of :  
Bejanin, et al. :  
Application No. 09/992,095 : PATENT TERM ADJUSTMENT  
Filed: November 13, 2001 :  
Dkt. No.: 91.US5.DIV :

**OFFICE OF PETITIONS**

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)," filed July 12, 2005.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **GRANTED**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 434 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

A review of the application history reveals that an adjustment under 37 CFR 1.702(a)(1) of 519 days can be attributed to the Office for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. There were no further delays attributable to the Office at the time of mailing of Notice of Allowance.

The Office errantly entered February 20, 2003 as the date a proper response to the Notice to File Missing Parts was filed rather than May 1, 2002. Thus, the 317 day reduction is in error.

However, the adjustment of 519 is properly reduced 22 days, as indicated by applicants, in accordance with 37 CFR 1.705(b) for applicants failure to engage in reasonable efforts to conclude prosecution (or processing) for the period of time in excess of three months taken to reply to the Notice to File Missing Parts mailed January 9, 2002.

The adjustment of 519 days is further reduced 6 days, as indicated by applicants, in accordance with 37 CFR 1.704(b) for applicants failure to engage in reasonable efforts to conclude prosecution (or processing) for the period of time in excess of three months taken to reply to the Notice to Comply mailed November 14, 2002.


The adjustment of 519 days is further reduced 57 days in accordance with 37 CFR 1.704(b) for applicants failure to engage in reasonable efforts to conclude prosecution (or processing) for the period of time in excess of three months taken to reply to the non-final Office action mailed November 17, 2004.

In view thereof, at the time of Notice of Allowance the application was entitled to a patent term adjustment of 434 days as argued by applicants.

The required fee of \$200.00 for an application for patent term adjustment has been charged to Deposit Account No. 06-1205 as authorized in the instant petition.

This application is being forwarded to the Publications Branch for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

  
Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

CC: Copy of Adjustment PAIR Calculation